

Douglas W. Domenech  
Secretary of Natural Resources



David A. Johnson  
Director

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

600 East Main Street, 24<sup>th</sup> Floor  
Richmond, Virginia 23219  
(804) 786-6124

June 26, 2013

Ms. Barbara Donnellan  
County Manager  
Arlington County  
Office of the County Manager  
2100 Clarendon Blvd. Suite 302  
Arlington, Virginia 22201

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: Virginia Stormwater Management Program (VSMP) Permit Reissuance  
Municipal Separate Storm Sewer System (MS4) Permit No. VA0088579, Arlington County

Dear Ms. Donnellan:

Your Virginia Stormwater Management Program (VSMP) MS4 permit is enclosed. This permit supersedes the previous permit VA0088579 issued to this county. As indicated in the fact sheet, the permit has changed; please read the permit carefully because you are responsible for meeting all permit conditions.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty days after the service of this permit which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Department of Conservation and Recreation. In the event that this decision is served on you by mail, three days are added to that period.

Alternatively, any owner under § 10.1-603.12:6 of the Stormwater Management Act aggrieved by any action of the Soil and Conservation Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. In cases involving actions of the Board, such petition must be filed within thirty days after notice of such action is mailed to such owner by certified mail.

If you have any questions about the permit, please contact Ms. Ginny Snead, P.E. at (804) 698-4055.

Sincerely,

A handwritten signature in black ink, reading "David A. Johnson".

David A. Johnson  
Director

Enclosures: Permit  
Fact Sheet

cc: EPA-3WP12



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**

Permit No.: VA0088579  
Effective Date: June 26, 2013  
Expiration Date: June 25, 2018

**AUTHORIZATION TO DISCHARGE UNDER THE  
VIRGINIA STORMWATER MANAGEMENT PROGRAM AND THE VIRGINIA STORMWATER  
MANAGEMENT ACT**

Pursuant to the Clean Water Act as amended and the Virginia Stormwater Management Act and regulations adopted pursuant thereto, the following owner is authorized to discharge in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in this permit.

Permittee: Arlington County  
Facility Name: Arlington County Municipal Separate Storm Sewer System  
County Location: Arlington County is 26 square miles in area and is bordered by the Potomac River to the North and East, the City of Alexandria to the South, and Fairfax County to the West and South.

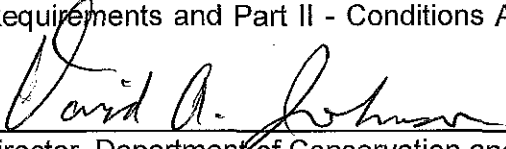
The owner is authorized to discharge from municipal-owned storm sewer outfalls to the surface waters in the following watersheds:

Watersheds: Stormwater from Arlington County discharges into four 6<sup>th</sup> order hydrologic units: PL23 (Potomac River-Nichols Run-Scott Run), PL24 (Potomac River-Pimmit Run), PL25 (Potomac River-Fourmile Run), PL26 (Cameron Run)

There are 11 major watersheds: Gulf Branch, Donaldson Run, Potomac River (A), Windy Run, Spout Run, Colonial Village/Rocky Run, Potomac River (B), Four Mile Run (contains the following major streams: Lower Long Branch, Doctor's Branch, Lubber Run, and Upper Long Branch), Little Pimmit Run, Pimmit Run, and Roaches Run

River Basin: Potomac  
Sections: 6, 7, 8  
Classes: II, III  
Special Standards: b

The authorized discharge shall be in accordance with this cover page, Part I – Authorization, Effluent Limitations and Monitoring Requirements and Part II - Conditions Applicable To All VSMP Permits, as set forth herein.

  
\_\_\_\_\_  
Director, Department of Conservation and Recreation

June 26, 2013

\_\_\_\_\_  
Date

**PART I - AUTHORIZATION, EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS****A. DISCHARGES AUTHORIZED UNDER THIS PERMIT****1. Authorized Discharges**

- a) This permit authorizes the discharge of stormwater from all existing and new municipal separate stormwater point source discharges to surface waters from the Municipal Separate Storm Sewer System (MS4) owned or operated by the County of Arlington, Virginia.
- b) The following discharges, whether discharged separately or commingled with municipal stormwater, are also authorized by this permit for discharge through the MS4:
  - 1) Non-stormwater discharges and stormwater discharges associated with industrial activity (defined at 9 VAC 25-31-10) that are authorized by a separate Virginia Pollutant Discharge Elimination System (VPDES) permit;
  - 2) Discharges from construction activities that are regulated under the Virginia Stormwater Management Program (VSMP) (4VAC 50-60-10 et. seq.) and authorized by a separate VSMP permit; and
  - 3) The following non-stormwater discharges unless the State Water Control Board, the Virginia Soil and Water Conservation Board (Board), or the permittee determines the discharge to be a significant source of pollutants to surface waters:
    - (a) water line flushing;
    - (b) landscape irrigation;
    - (c) diverted stream flows;
    - (d) rising ground waters;
    - (e) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
    - (f) uncontaminated pumped ground water;
    - (g) discharges from potable water sources;
    - (h) foundation drains;
    - (i) air conditioning condensation;
    - (j) irrigation water;
    - (k) springs;
    - (l) water from crawl space pumps;
    - (m) footing drains;
    - (n) lawn watering;

- (o) individual residential car washing;
  - (p) flows from riparian habitats and wetlands;
  - (q) dechlorinated swimming pool discharges;
  - (r) street wash water;
  - (s) discharges or flows from fire fighting; and,
  - (t) other activities generating discharges identified by the Department of Environmental Quality as not requiring VPDES authorization.
- 4) Materials from a spill are not authorized unless the discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage. The permittee shall take, or require the responsible party to take, all reasonable steps to minimize or prevent any adverse effect on human health or the environment in accordance with the permittee's program under Part I.B.2.g) (Spill Prevention and Response). This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. The permittee is responsible for any reporting requirement listed under Part II.G of this permit.

## **2. Permittee Responsibilities**

This permit establishes the specific requirements applicable to the permittee for the term of this permit. The permittee is responsible for compliance with this permit. The permittee shall implement and refine the MS4 Program Plan (as set forth in Part I.B) to ensure compliance with this permit. The Department has determined that this program reduces the discharge of pollutants to the maximum extent practicable. Where wasteloads have been allocated for pollutant(s) of concern in an approved TMDL, the permittee shall implement the special conditions as set forth in Part I.D of this permit. Compliance with the requirements of this permit shall also constitute adequate progress for this permit term towards complying with the assumptions and requirements of the applicable TMDL wasteload allocations such that the discharge does not cause or contribute to violation of the water quality standards.

The permittee shall clearly define the roles and responsibilities of each of the permittee's departments, divisions or subdivisions in maintaining permit compliance. If the permittee relies on another party to implement portions of the MS4 Program Plan, both parties shall document the agreement in writing. The agreement shall be retained by the permittee with the MS4 Program Plan. Roles and responsibilities shall be updated as necessary. Where the permittee relies on another party to implement a portion of this permit, responsibility for compliance with this permit shall remain with the permittee.

In the event the permittee is unable to meet conditions of this permit due to circumstances beyond the permittee's control, a written explanation of the circumstances that prevented permit compliance shall be submitted to the Department in the annual report. Circumstances beyond the permittee's control may include abnormal climatic conditions; weather conditions that make certain requirements unsafe or impracticable; or unavoidable equipment failures caused by weather conditions or other conditions beyond the reasonable control of the permittee (operator error and failure to properly maintain equipment are not conditions beyond the control of the permittee). The failure to provide adequate program funding, staffing or equipment maintenance shall not be an acceptable explanation for failure to meet permit conditions. The Board will determine, at its sole

discretion, whether the reported information will result in an enforcement action. In addition, the permittee shall report noncompliance which may adversely affect surface waters or endanger public health in accordance with Part II.I.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **Each annual report shall include a current list of roles and responsibilities.**
- **Each annual report shall include a list of those episodes of non-compliance.**

### **3. Legal Authority**

The permittee shall maintain and utilize its legal authority authorized by the Commonwealth of Virginia to control discharges to and from the MS4 in the manner established by the specific requirements of this permit. The legal authority shall enable the permittee to:

- a) Control the contribution of pollutants to the MS4;
- b) Prohibit illicit discharges to the MS4;
- c) Control the discharge of spills and the dumping or disposal of materials other than stormwater (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
- d) Require compliance with conditions in ordinances, permits, contracts, inter-jurisdictional agreements, or orders; and,
- e) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the MS4.

The permittee shall review and update its ordinances and other legal authorities such as permits, orders, contracts and inter-jurisdictional agreements as necessary to continue providing adequate legal authority to control discharges to and from the MS4.

### **4. MS4 Program Resources**

The permittee shall include a copy of each fiscal year's budget including its proposed capital and operation and maintenance expenditures necessary to accomplish the activities required by this permit. The permittee shall describe its method of funding the stormwater program with the copy of the fiscal year budget.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **A copy of each fiscal year's budget including its proposed capital and operation and maintenance expenditures necessary to accomplish the activities required by this permit shall be submitted with each annual report.**

### **5. Permit Maintenance Fees**

Permit maintenance fees shall be paid in accordance with Part XIII of the Virginia Stormwater Permitting Program regulations (4 VAC 50-60-700 et seq.).

**SPECIFIC REPORTING REQUIREMENTS:**

- **A statement regarding payment of the applicable MS4 permit maintenance fee, including check date and check number shall be included with each annual report. Note: Please do not include copies of checks or other bank records.**

**6. MS4 Program Plan**

The permittee shall maintain, implement and enforce an MS4 Program Plan accurately documenting the MS4 Program including all additions, changes and modifications. For the purposes of this permit, the MS4 Program Plan is considered a single document, but may actually consist of separate documents (e.g., dry weather screening plans, wet weather monitoring plans, TMDL Action Plans, annual reports). Policies, ordinances, strategies, checklists, watershed plans and other documents may be incorporated by referenced provided that the latest revision date is included in the MS4 Program Plan and all documents are available upon request. Specific reference shall be made to any ordinance more stringent than the VSMP Program regulations (4VAC 50-60-10 et. seq.), the Virginia Erosion and Sediment Control Law (§ 10.1-561 et. seq.) and Regulations (4 VAC 50-30-10 et.seq.) and the Chesapeake Bay Preservation Act (§ 10.1-2100 et. seq.).

Approvable updates to the MS4 program plan shall be submitted to, reviewed and accepted by the department in accordance with the due dates established by this permit. The MS4 Program Plan shall become effective and enforceable upon written approval from the Department.

The most recent MS4 Program Plan shall be made accessible to the public and shall be posted on the permittee's website.

**SPECIFIC REPORTING REQUIREMENTS:**

- **Utilizing the fiscal year 2013 annual report as a baseline, the permittee's 2014 annual report submitted under this permit (Initial Report) shall include the necessary updates to describe implementation of this permit and meet the conditions described in this section.**
- **NOTE: For purposes of the next permit cycle, the fourth annual report submitted under this permit will be considered the updated MS4 Program Plan to be reviewed as part of permit reissuance.**

**7. MS4 Program Review and Updates**

**MS4 Program Review:** The permittee will review the current MS4 Program annually, in conjunction with the preparation of the annual report required under Part I.E of this permit.

**a) MS4 Program Updates and Modifications:**

Modifications to the MS4 Program are expected throughout the life of this permit as part of the iterative process to reduce pollutant loading and protect water quality. As such, modifications made in accordance with this permit as a result of the iterative process do not require modification of this permit unless the Department determines the changes meet the criteria referenced in 4VAC50-60-630 or 4VAC50-60-650.

Updates and modifications to the MS4 Program may be made during the life of the permit in accordance with the following procedures:

- 1) Adding (but not eliminating or replacing) components, controls, or requirements to the MS4 Program may be made by the permittee at any time. Additions shall be reported as part of the annual report.
- 2) Updates and modifications to specific standards and specifications, schedules, operating procedures, ordinances, manuals, checklists and other documents routinely evaluated and modified are authorized under this permit provided that the updates and modifications are performed in a manner that is (i) consistent with the conditions of this permit, (ii) public notice and participation requirements established in this permit, and (iii) are documented in the annual report.
- 3) Replacing, or eliminating without replacement, any ineffective or infeasible strategies, policies and Best Management Practices specifically identified in this permit with alternate strategies, policies and Best Management Practices (BMP) may be requested at any time. Such requests shall include the following:
  - (a) An analysis of how and / or why the BMPs, strategies or policies are ineffective or infeasible including information on whether the BMPs, strategies, or policies are cost prohibitive;
  - (b) Expectations regarding the effectiveness of the replacement BMPs, strategies or policies;
  - (c) An analysis of how the replacement BMPs are expected to achieve the goals of the BMPs to be replaced;
  - (d) A schedule for implementing the replacement BMPs, strategies and policies;
  - (e) An analysis of how the replacement strategies and policies are expected to improve the permittee's ability to meet the goals of the strategies and policies being replaced; and,
  - (f) Requests or notifications shall be made in writing to the Department and signed in accordance with 4VAC 50-60-370 of the VSMP Permit Regulations, and shall be sent by Certified Mail. Modification to the MS4 Program Plan shall become effective upon written approval from the Department. Major modifications to the MS4 Program Plan as defined in 4VAC 50-60-10 may require that the permit be reopened and modified pursuant to 4VAC50-60-630.

b) ***MS4 Program Updates Requested by the Department of Conservation and Recreation:***

In a manner and following procedures in accordance with the Virginia Administrative Processes Act, the Virginia Stormwater Management Permit regulations and other applicable State laws, statutes and regulations, the Department may request changes to the MS4 Program to assure compliance with the statutory requirements of the Virginia Stormwater Management Act and associated regulations and to:

- 1) Address impacts on receiving water quality caused by discharges from the MS4;
- 2) Include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or

- 3) Include such other conditions necessary to comply with State or Federal statutory or regulatory requirements:

Proposed changes requested by the Department shall be made in writing and set forth the basis for and objective of the modification as well as the proposed time schedule for the permittee to develop and implement the modification. The permittee may propose alternative program modifications and/or time schedules to meet the objective of the requested modification, but any such modifications are at the discretion of the Department.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **All modifications and proposed modifications shall be reported in accordance with this section of the permit.**

### **B. STORMWATER MANAGEMENT**

The following subparts describe the requirements for the permittee to implement in its MS4 Program during this permit term:

#### **1. Planning**

The permittee shall complete the Stream Assessment and Watershed Retrofit planning components of its Stormwater Master Plan by December 31, 2013. The watershed retrofit plans shall evaluate and prioritize retrofit opportunities within the public right-of-way and on County properties.

The permittee shall continue to seek public comment in development of the updated plan. A copy of the completed plan shall be placed on the permittee's website.

#### **SPECIFIC REPORTING REQUIREMENTS:**

**The permittee shall provide the Department a web link to the stream assessment and watershed retrofit planning components of the updated Stormwater Master Plan on or before December 31, 2013.**

#### **2. MS4 Program Implementation**

##### **a) *Construction Site Runoff***

- 1) The permittee shall continue to implement a local erosion and sediment control program to reduce the discharge of pollutants from land disturbing activities that is consistent with the Virginia Erosion and Sediment Control Law and attendant regulations. If through a review of the Erosion and Sediment Control Program by the Department the permittee's program is found not to be consistent with the Virginia Erosion and Sediment Control Laws and Regulations, the permittee shall implement all required items detailed in an approved Corrective Action Agreement (CAA) with the Board in accordance with the schedule in the CAA.
- 2) The permittee shall require erosion and sediment controls in areas identified by the County as erosion impact areas as defined at § 10.1-560 of the Code of Virginia.
- 3) The permittee shall maintain an accurate list of all erosion and sediment controls in the MS4 program plan that are more stringent than those required under 4 VAC 50-30 et seq. that have been adopted by ordinance in accordance with § 10.1-570 of the Code of Virginia.



- 4) On a monthly basis (or in accordance with an alternative schedule provided in writing by the Department), the permittee shall submit to the Department a list of approved land disturbing activities that are 1) greater than or equal to one acre, 2) part of a common plan of development or sale that results in an overall land disturbance that is greater than one acre or 3) a land disturbance greater than 2,500 square feet occurring in a Resource Management Area or Resource Protection Area as defined at 4 VAC 50-90-40. For each land-disturbing activity, the permittee shall submit: the activity's location, total acreage disturbed and land disturber's contact information.
- 5) The permittee shall require that large construction activities and small construction activities as defined at 4 VAC 50-60-10 including municipal construction activities have secured separate VSMP authorizations to discharge stormwater.
- 6) The permittee shall require the implementation of appropriate controls to prevent non-stormwater discharges to the MS4, such as wastewater, concrete washout, fuels and oils, and other illicit discharges identified during land disturbing activity inspections. The discharge of non-stormwater discharges other than those identified in Part I.A.1 through the MS4 is not authorized by this state permit.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- Each annual report shall contain the number of regulated land disturbing activities approved and the total number of acres disturbed.
  - Each annual report shall contain the number of inspections conducted and the number and type of each enforcement action taken.
- b) ***Post Construction Runoff from Areas of New Development and Development on Prior Developed Lands***
- 1) The permittee shall continue enforcement of local ordinances related to the control of stormwater runoff from new development and development on prior developed lands. Local ordinances shall be updated as required by statutory or regulatory requirements in order to remain consistent with Virginia Stormwater Management Program Regulations (4VAC 50-60 et. seq.).
  - 2) The permittee shall maintain and update as necessary a list of all stormwater management controls in the MS4 program plan that are more stringent than those required under 4 VAC 50-60 et seq. that have been adopted by ordinance in accordance with § 10.1-603.7 of the Code of Virginia. The permittee shall continue to approve plans implementing these additional stormwater management controls in areas identified by the County as requiring additional water quality protection under the provisions of the Arlington County Code.
  - 3) Where the permittee has adopted more stringent requirements or implemented a regional or watershed-wide stormwater management plan, it may request, in writing, that the Department consider these requirements as part of its review of state projects within the County's jurisdictional boundaries.

- 4) The permittee shall continue to require adequate long-term operation and annual maintenance of stormwater management facilities by the responsible party. The permittee shall retain copies of these maintenance instruments for its use.

Should the permittee choose a strategy other than a maintenance agreement to address long term maintenance of stormwater control measures that are designed to treat stormwater runoff solely from the individual residential lot on which they are located, the permittee shall develop a written strategy no later than 12-months after the effective date of this permit. Such a strategy may include periodic inspections, homeowner outreach and education, maintenance agreements or other methods targeted at promoting the long term maintenance of such facilities.

- 5) Stormwater management facilities shall be tracked in accordance with Part I.C.4.a) of this permit.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **The initial report shall include the permittee's strategy to address maintenance of stormwater management controls that are designed to treat stormwater runoff solely from the individual residential lot on which they are located.**
  - **By September 1, 2014, the permittee shall submit to the Department a list of all land disturbing projects that qualify under the 'Grandfathering' provision of the VSMP regulations found at 4 VAC 50-60-48.**
  - **Each annual report shall include a summary of actions taken by the permittee to implement statutory and regulatory requirements of the Virginia Stormwater Management Program Regulations.**
- c) ***Retrofitting on Prior Developed Lands*** No later than 12-months after the effective date of this permit, the permittee shall identify at least seven (7) retrofit projects from its watershed retrofit plans that will be implemented within the County right-of-way or on specific County properties no later than 60-months after the effective date of this permit. The permittee shall submit a summary of the projects and the schedule for implementation to the Department. The permittee may substitute alternative retrofit projects if opportunity exists provided that similar screening is applied to the substituted project as that in the watershed retrofit plans.

The permittee shall implement tree planting and replacement programs as follows:

- 1) Plant a minimum of 2,000 trees on County parkland and County-owned rights-of-way no later than 60-months after the effective date of this permit.
- 2) Implement a program designed to distribute a minimum of 2,000 trees to private property owners during the term of this permit.

The permittee shall track the number of retrofit projects, type of land use being retrofitted, total acreage retrofitted, total impervious and pervious acreage, and retrofit type by the watershed identified in the retrofit study and location by latitude and longitude in degrees, minutes and seconds.

The permittee shall implement its StormwaterWise Landscapes program to provide cost-sharing and technical assistance for the installation of small-scale practices to reduce stormwater runoff from private properties. No later than 60-months after the effective date of

this permit, the permittee shall have implemented this program at a level funded to accommodate a minimum of 200 potential participants.

**SPECIFIC REPORTING REQUIREMENTS:**

- Each annual report shall include a list in an electronic format provided to the Department of retrofits completed during the reporting cycle. This list shall include the type of retrofit, total acreage controlled, total impervious and pervious acreage controlled and latitude and longitude.
  - Each annual report shall provide a summary of the StormwaterWise program for the year as well as cumulative for the permit cycle, including the program announcement information, the number of applicants, the number of participants selected, the number of participants with completed projects, the number of participants with projects still in progress, and the number of participants who chose not to complete projects. The report shall also include documentation that the annual and cumulative funding for the program is sufficient to accommodate a minimum of 200 potential participants by the end of 60 months after the effective date of the permit.
  - Each annual report shall provide the total number of trees planted on County parkland and County-owned rights-of-way during the reporting cycle and cumulative for the permit cycle.
  - Each annual report shall include the implementation status of planting trees on private property including the total number of trees distributed to private property owners during the reporting cycle and cumulative for the permit cycle.
- d) **Roadways** County streets, roads, and parking lots maintained by the permittee shall continue to be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.
- 1) The permittee shall continue to implement its street sweeping program and shall sweep a minimum of 25,000 lane miles during this permit cycle.
  - 2) No later than 36-months after the effective date of this permit, the permittee shall develop and implement written protocols for county road, street, and parking lot maintenance, equipment maintenance and material storage designed to minimize pollutant discharge.

Materials utilized for deicing and sanding activities shall remain covered from precipitation until application.

**SPECIFIC REPORTING REQUIREMENTS:**

- The permittee shall include a description of the permittee's street sweeping program including the number of lane miles swept each year and the total swept cumulatively since permit issuance in each annual report. The permittee shall report the associated total tonnage of debris collected annually and cumulatively for the lane miles swept.
- The permittee shall include a copy of the written protocols identified in Part I.B.2.d)2) with the next annual report that is due after development of the protocols.

- e) ***Pesticide, Herbicide, and Fertilizer Application*** The permittee shall continue to control the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied to County rights of way, parks, and other County property, as follows:
- 1) The permittee shall develop and implement turf and landscape nutrient management plans that have been developed by a certified nutrient management planner in accordance with § 10.1-104.2 of the Code of Virginia on all County lands where nutrients are applied to a contiguous area greater than one acre in accordance with the following schedule:
    - (a) No later than 12-months after the effective date of this permit, the permittee shall identify all County lands where nutrients are applied to a contiguous area of more than one acre. A latitude and longitude shall be provided for each such piece of County land.
    - (b) The permittee shall develop and implement turf and landscape nutrient management plans on all County lands where nutrients are applied to a contiguous area of more than one acre. The following measurable goals are established for the development and implementation of turf and landscape nutrient management plans.
      - (1) No later than 24-months after the effective date of this permit, not less than 15% of all identified acres will be covered by turf and landscape nutrient management plans.
      - (2) No later than 36-months after the effective date of this permit, not less than 40% of all identified acres will be covered by turf and landscape nutrient management plans.
      - (3) No later than 48-months after the effective date of this permit, not less than 75% of all identified acres will be covered by turf and landscape nutrient management plans.
    - (c) The permittee shall annually track the following:
      - (1) The total acreage of County lands upon which nutrients are applied and controlled using general County guidelines or standard operating procedures;
      - (2) The acreage of County lands where turf and landscape nutrient management plans are required; and,
      - (3) The acreage of County lands upon which turf and landscape nutrient management plans have been implemented.
  - 2) The permittee shall continue to employ good housekeeping / pollution prevention measures in the application, storage, transport and disposal of pesticides, herbicides and fertilizers.
  - 3) The permittee may regulate the use, application, or storage of fertilizers pursuant to § 3.2-3602 of the Code of Virginia.
  - 4) The permittee shall not apply any deicing agent containing urea or other forms of nitrogen or phosphorus to parking lots, roadways, and sidewalks or other paved surfaces.
  - 5) The permittee shall track the acreage of county lands managed under Integrated Pest Management Plans.

**SPECIFIC REPORTING REQUIREMENTS:**

- The initial report shall contain a list of all County lands and applicable acreage on which nutrients are applied to more than one contiguous acre.
  - Each annual report shall report on compliance with the turf and landscape nutrient management plan implementation schedule and include a list of the County properties for which turf and landscape nutrient management plans have been implemented during the reporting year and the cumulative total of acreage under turf and landscape nutrient management plans.
  - Each annual report shall include the number of acres managed under Integrated Pest Management Plans.
- f) ***Illicit Discharges and Improper Disposal*** Discharges to the MS4 unauthorized by this permit shall be effectively prohibited.
- 1) In accordance with Part I.A.1.b), certain non-stormwater discharges to the MS4 need not be addressed as illicit discharges or improper disposal. The MS4 Program shall identify any non-stormwater discharges listed under Part I.A.1.b), where the permittee has imposed any conditions on the discharges to the MS4. The permittee shall prohibit, on a case-by-case basis, any individual non-stormwater discharge (or class of non-stormwater discharges) otherwise allowed under this paragraph that is determined to be contributing significant amounts of pollutants to the MS4.
  - 2) The permittee shall limit the infiltration of seepage from sanitary sewers into the MS4.  
  
The permittee shall inspect a minimum of 300,000 linear feet of sanitary sewer during this permit cycle.
  - 3) The permittee will continue to implement a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse).
  - 4) The permittee shall prohibit the dumping or disposal of used motor vehicle fluids, household hazardous wastes, sanitary sewage, grass clippings, leaf litter, and animal wastes into separate storm sewers. The permittee shall ensure the implementation of programs to collect used motor vehicle fluids (such as oil and antifreeze) for recycling, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycling, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis not less than twice per year.
  - 5) The permittee shall continue to implement a program to locate and eliminate illicit discharges and improper disposal into the MS4. This program shall include dry weather screening activities to locate portions of the MS4 with suspected illicit discharges and improper disposal, as described in Part I.B.2.m)1) of this permit.
  - 6) The permittee shall require the elimination of illicit discharges and improper disposal practices within 30-days of discovery. Where elimination of an illicit discharge within 30-days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

**SPECIFIC REPORTING REQUIREMENTS:**

- Each annual report shall include a list of illicit discharges identified, the source, a description of follow-up activities and whether the illicit discharge has been eliminated.
- g) ***Spill Prevention and Response*** The permittee shall continue to implement its program that coordinates Fire Department and other County staff resources to prevent, contain, and respond to spills that may discharge into the MS4. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittee's jurisdiction. The permittee shall continue to implement the Trades Center Integrated Spill Prevention, Control, and Countermeasures / Hazardous Material Management Plan.

**SPECIFIC REPORTING REQUIREMENTS:**

- Each annual report shall include a list of spills, the source, and a description of follow-up activities taken.
- h) ***Industrial & High Risk Runoff*** The permittee shall implement a program to identify and control pollutants in stormwater discharges to the MS4 from industrial and high risk runoff facilities (e.g., municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313) and any other industrial or commercial discharges the permittee determines are contributing a significant pollutant loading to the MS4.
- 1) The permittee shall maintain, and update as necessary, a list of all known industrial and high-risk dischargers to the MS4. This list will include facilities with VPDES industrial stormwater permits and industrial stormwater facilities granted "no-exposure" certification by DEQ.
  - 2) No later than 12-months after the effective date of this permit, the permittee shall develop and implement a prioritized schedule and procedures to inspect outfalls of facilities with VPDES industrial stormwater permits and facilities granted "no-exposure" certification at the point of connection to the MS4. Prioritization may be based on historical discharges, local water quality impairments, industrial category or other method selected by the permittee. The permittee shall inspect all industrial outfalls connected to its MS4 a minimum of once every five years.
  - 3) The permittee shall review copies of all discharge monitoring reports (DMRs) submitted to the permittee by all facilities with VPDES industrial stormwater permits as part of the permittee's investigations of significant pollutant loadings. The permittee may conduct additional monitoring, or may require the facility to conduct additional monitoring, of any stormwater discharges it believes may be a source of significant pollutant loadings.
  - 4) The permittee shall coordinate with DEQ on any non-VPDES-permitted industrial facility for which it has evidence that a significant pollutant load is entering the MS4 system. Inspections of facilities for which the permittee has evidence of substantial pollutant loading may be carried out in conjunction with other county programs (e.g., pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but shall include inspections for facilities not normally visited by the permittee.

- 5) The permittee shall refer the following facilities to the Department of Environmental Quality, Northern Regional Office, for DEQ compliance review under the Virginia State Water Control Law:
  - (a) Facilities and operations having non-stormwater discharges that do not have coverage under an existing VPDES permit;
  - (b) Facilities and operations identified pursuant to 40 CFR Part 122.26(b)(14) with manufacturing, processing, or raw materials storage outside that do not have coverage under an existing VPDES industrial stormwater permit.
  - (c) Any VPDES industrial stormwater permit facility where there is evidence of significant pollutant loadings to the MS4 as determined by a continued or regular exceedence of effluent limitations or benchmarks demonstrated by monitoring conducted as a requirement of the VPDES permit.
  - (d) Facilities that do not submit signed copies of DMRs to the permittee as required under a VPDES industrial stormwater permit.
- 6) The permittee shall maintain a list of any industrial and/or commercial stormwater dischargers not regulated under the Virginia State Water Control Law that it determines may be contributing a significant pollutant loading to the MS4. This list may be individual discharges or categories of discharges.
  - (a) Outfalls from these facilities shall be included in the prioritized inspection schedule.
  - (b) The list shall include, but not be limited to, major automotive facilities such as repair shops, body shops, auto detailers, tire repair shops and service stations.
  - (c) The permittee shall require control measures as necessary and/or appropriate for stormwater discharges from these dischargers.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **The initial report shall include a list of all known industrial and high risk dischargers including any non-VPDES regulated industrial and commercial stormwater dischargers determined by the permittee as contributing a significant pollutant load and that discharge to the MS4 system, a schedule of inspections and procedures for inspecting outfalls.**
  - **Each annual report shall report on implementation of the inspection schedule and include a list of the facilities inspected during the reporting period.**
  - **Each annual report shall include a document listing DEQ coordination activities.**
- i) ***Storm Sewer Infrastructure Management*** The permittee shall continue to maintain and implement programs to maintain the County's stormwater infrastructure and to update the accuracy and inventory of the storm sewer system.
    - 1) The permittee shall continue its stormwater infrastructure inspection inventory, reinvestment, and rehabilitation program in order to protect the integrity and performance of the existing stormwater drainage system. All wastes and wastewaters collected during

catch basin cleaning shall be disposed in accordance with appropriate laws and regulations.

- 2) The permittee shall continue its catch basin cleaning program and shall inspect 5,000 catch basins over the life of this permit. The permittee shall conduct maintenance, as necessary, based upon the inspection's findings.
- 3) The permittee shall continue its storm sewer inspection program and shall inspect 425,000 linear feet of system during the term of this permit as described in Part I.B.2.m).
- 4) A total of thirty-five outfalls scored a 4 or 5 on a severity scale during the County-wide stream assessment. No later than 60 months after the effective date of this permit, the permittee shall complete a pilot project designed to explore how to overcome access issues and to conduct maintenance on three of these identified outfalls associated with the Windy Run and Donaldson Run stream restoration projects. The pilot project will explore aspects of maintenance where barriers are encountered, such as physical and legal constraints to obtain access. As part of the pilot project, the permittee will document where efforts to overcome such barriers are successful or unsuccessful. The County shall submit the results of the pilot project with the applicable annual report. The results of this pilot project should be incorporated into future stream restoration efforts.
- 5) No later than 60 months after the effective date of this permit, the permittee shall summarize the private property and physical access constraints for the remaining outfalls and strategies to perform such maintenance, including possibly in conjunction with the permittee's voluntary long-term stream restoration program. This report shall be submitted with the applicable annual report.
- 6) The permittee shall track the following for each MS4 outfall:
  - (a) An individual identification number, its Arlington County local watershed, sixth order HUC and receiving water;
  - (b) The latitude and longitude in degrees, minutes and seconds; and
  - (c) New outfalls shall be tracked upon their construction.
- 7) In conjunction with the special condition found in Part I.D.1, the permittee shall identify the following for each Arlington County local watershed, sixth order HUC and Chesapeake Bay Segment:
  - (a) The number of impervious, pervious and total acres served by the MS4 as of June 30, 2009; and
  - (b) The number of impervious, pervious and total acres treated by stormwater controls as of June 30, 2009.
- 8) No later than 54 months of the effective of this permit, the permittee shall update each of the following:
  - (a) The number of impervious, pervious and total acres served by the MS4 for each Arlington County local watershed, HUC and Chesapeake Bay segment; and
  - (b) The number of impervious, pervious and total acres treated by stormwater controls.



Note: Acreage from any physically interconnected regulated MS4 shall be excluded from the permittee's delineation of its MS4 service areas.

**SPECIFIC REPORTING REQUIREMENTS:**

- **Each annual report shall include a progress report on efforts to repair failed storm sewer outfalls included in Part I.B.2.i)5).**
- **Each annual report shall include the number of catch basins inspected and maintained and the linear feet of storm sewers inspected.**
- **The information required by Part I.B.2.i)6) shall be maintained electronically in a spreadsheet format and made available to the Department upon request.**
- **The second annual report submitted under this permit shall include the information included in Part I.B.2.i)7). The information shall be submitted electronically in a spreadsheet format..**
- **Each following annual report shall include an updated list in excel or Department provided format of all information requested in Part I.B.2.i)8).**

j) **County Facilities** County facilities shall be operated and maintained as follows:

1) **Good Housekeeping**

- (a) The discharge of county vehicle wash water into the MS4 at county facilities without authorization from a separate VPDES permit shall be prohibited.
- (b) The discharge of wastewater into the MS4 at county facilities without authorization by a separate VPDES permit shall be prohibited.
- (c) The dumping of yard waste and grass clippings into the MS4 shall be prohibited.
- (d) Fluids leaked from municipal vehicles and equipment shall be prevented from entering the storm sewer system. Leaked fluids shall be cleaned up and disposed of properly, as soon as possible but no later than 24-hours after discovery.
- (e) No later than 60-months after the effective date of this permit, the permittee shall install and maintain markings on all stormwater inlets located on high priority municipal facilities, as defined at Part I.F, and on County properties with greater than 2-acres of impervious surface.

2) **High Priority Municipal Facilities**

- (a) The permittee shall continue to implement the stormwater pollution prevention plan for the Arlington County Trades Center.
- (b) The permittee shall identify all additional high priority municipal facilities that do not require a separate VPDES industrial stormwater permit no later than 12-months after the effective date of this permit;
- (c) The permittee shall develop and implement individual stormwater pollution prevention

plans for each high-priority municipal facility identified under Part I.B.2.j)2)(b) no later than 36-months after the effective date of this permit. Stormwater pollution prevention plans (SWPPP) shall include:

- (1) A site description that includes a site map identifying all outfalls, direction of flows, existing source controls and receiving water bodies;
  - (2) A discussion and checklist of potential pollutants and pollutant sources;
  - (3) A discussion of all potential non-stormwater discharges;
  - (4) A maintenance schedule for all existing source controls;
  - (5) All policies and procedures implemented at the facility to ensure source reduction;
  - (6) An inspection schedule and checklist to ensure that all source reductions are continually implemented and all source controls are appropriately maintained. The date of each inspection and associated findings and follow-up shall be logged in each SWPPP;
  - (7) Appropriate training as required in Part I.B.2.I);
  - (8) Procedures to conduct an annual comprehensive site compliance evaluation;
  - (9) Procedures to conduct annual outfall field screening; and,
  - (10) All modifications made as the result of any release or spill.
- (d) A copy of each SWPPP shall be kept at each high-priority municipal facility and be kept up to date.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **The initial annual report shall include a list of all high priority municipal facilities.**

k) **Public Education/Participation** The permittee shall continue to implement a public education and outreach program with the goal of increasing the stormwater knowledge of target audiences and changing behavior to result in pollutant reductions. The permittee may fulfill all or part of the requirements of this permit through regional outreach programs involving two or more MS4 localities.

- 1) The permittee shall identify, schedule, implement, evaluate and modify, as necessary, public outreach activities designed to meet the following public education and outreach measurable goals:
  - i. Promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials into the MS4;
  - ii. Continue to promote individual and group involvement in local water quality improvement initiatives including the promotion of local restoration and clean-up projects, programs, groups, meetings and other opportunities for public involvement;

- iii. Promote, publicize, and facilitate the proper management and disposal of used oil and household hazardous wastes;
  - iv. Promote, publicize and facilitate the proper disposal of pet waste and household yard waste;
  - v. Promote, publicize and facilitate the use of the county's recycling program;
  - vi. Promote, publicize and facilitate methods for residential car washing that minimize water quality impacts;
  - vii. Promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by public, commercial, and private applicators and distributors;
  - viii. Encourage private property owners to implement retrofits including those described in Part I.B.2.c); and,
  - ix. Target strategies towards local groups of commercial, industrial, and institutional entities likely to have significant stormwater impacts.
- 2) The permittee shall post a copy of this permit on its website no later than 30-days after the effective date of this permit and continue to retain a copy of the permit online for the duration of this permit.
  - 3) The permittee shall post copies of each annual report on its website no later than 30 after the report submittal to the Department and continue to retain copies of the annual reports on-line for the duration of this permit.
  - 4) The permittee shall make available for public review the most current MS4 Program Plan upon request of interested parties in compliance with all applicable open records requirements.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- **Each annual report shall include a list of permittee public outreach and education activities and the estimated number of individuals reached through the activities.**
  - **Each annual report shall provide a summary of voluntary retrofits completed on private property.**
- I) **Training** The permittee shall conduct stormwater training for county employees. The training requirement may be fulfilled all or in part through regional training programs involving two or more MS4 localities; provided, however, that the permittee shall remain individually liable for its failure to comply with the training requirements in this permit. The permittee shall determine the appropriate employees to receive the following types of training based on the specific topic for which training is to be provided:
    - 1) The permittee shall provide annual training to applicable field personnel in the recognition and reporting of illicit discharges.

- 2) The permittee shall provide annual training to applicable employees in good housekeeping and pollution prevention practices that are to be employed during road, street, and parking lot maintenance.
- 3) The permittee shall provide annual training to applicable employees in good housekeeping and pollution prevention practices that are to be employed in and around county maintenance and public works facilities.
- 4) The permittee shall ensure that employees, and require that contractors, who apply pesticides and herbicides are properly trained or certified per the Virginia Pesticide Control Act (§3.2-3900et seq. of the Code of Virginia). The requirements of the Virginia Pesticide Control Act are established by the Virginia Pesticide Control Board.
- 5) The permittee shall ensure that County employees employed as plan reviewers, inspectors, program administrators and construction site operators are trained and obtain the appropriate certifications to the extent required under the Virginia Erosion and Sediment Control Law and attendant regulations.
- 6) The permittee shall ensure that the applicable County employees obtain the appropriate certifications as required under the Virginia Erosion and Sediment Control Law and its attendant regulations to implement the modified stormwater management design criteria.
- 7) The permittee shall provide annual training to applicable employees in good housekeeping and pollution prevention practices that are to be employed in and around county recreation facilities.
- 8) The appropriate emergency response employees shall have training in spill response. A summary of the training/certification program provided to emergency response employees shall be included in the first annual report.
- 9) Documentation shall be kept of all training events including the training date, number of employees attending the training, and the objective of the training event for a period of three years after each training event. Additionally, all events shall be listed in the annual report for the year in which the training event occurred.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- Each annual report shall include a list of training events, the date and the estimated number of individuals attending each event.
  - The initial report shall include documentation of employee emergency response spill response training/certification.
- m) **Water Quality Screening Programs** The following screening programs shall be implemented in addition to the monitoring required by Part I.C:
- 1) **Dry Weather Screening Program:** The permittee shall continue ongoing efforts to detect the presence of illicit connections and unauthorized discharges to the MS4. The permittee shall conduct the following screening activities during this permit term:
    - (a) Annual inspection of an average of 85,000 linear feet of the piped stormwater system using CCTV;

- (b) Continued monthly bacteria sampling at eleven (11) locations within the Four Mile Run watershed as described in Part I.C.1.a);
  - (c) Targeted bacteria sampling in at least 3 additional watersheds as described in Part I.C. 2.b);
  - (d) Annual screening of all outfalls that drain the Shirlington commercial district and the South Four Mile Run Drive industrial area. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR Part 122.26(d)(1)(iv)(D). Where the sample analysis does not include analytical methods approved under 40 CFR Part 136, the permittee may use any suitable method but shall provide a description of the method used. Dry weather screening procedures shall be documented in the MS4 Program Plan.
- 2) **Wet Weather Screening Program:** The permittee shall investigate, and address known areas within its jurisdiction that are contributing excessive levels of pollutants including floatables to the MS4.
- (a) No later than 12-months after the effective date of this permit, the permittee shall identify a prioritized list of areas thought to contribute significant pollutant loads during wet weather events and develop a wet weather screening plan for two areas to determine the contribution.
  - (b) No later than 18-months after the effective date of this permit, the permittee shall implement the wet weather screening plan.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- The initial report shall include the procedures and methodologies and an annual schedule for conducting dry weather screening for the Shirlington commercial district and the South Four Mile Run Drive industrial area.
- The initial report shall include the procedures and methodologies and an annual schedule for conducting wet weather screening.
- Each annual report shall include a list of locations upon which dry weather screening was conducted, the results and any follow-up actions taken as a result of the dry weather screening.
- Each annual report shall include a list of locations upon which wet weather screening was conducted, the results and any follow-up actions taken as a result of the wet weather screening.

### **C. MONITORING REQUIREMENTS**

#### **1. Bacteriological Monitoring**

- a) *Four-Mile Run Watershed* The permittee shall continue its long term Four-Mile Run bacteriological monitoring activities to evaluate the effectiveness of its efforts to reduce bacterial pollutant loadings. This program shall continue to be implemented as follows:
  - 1) The permittee shall use the Coliscan EasyGel method to analyze in-stream *E. coli*

concentrations.

- 2) The permittee shall collect monthly samples at each of the following locations in Four-Mile Run identified in Table A:

**Table A: Four-Mile Run Bacteriological Monitoring Locations, Arlington County**

Site #	General Location	Watershed Location
1	Benjamin Banneker Park, below Van Buren St.	Upper Four-Mile Run
2	East Fall Church Park (N. Roosevelt Street)	Upper Four-Mile Run
3	Bluemont Park	Below conf. of small trib. from I-66
4	Glencarlyn Park, near N. Carlin Springs Road	Above conf. of Lubber Run Tributary
5	Glencarlyn Park	Below conf. of Lubber Run Tributary
6	Glencarlyn Park	Upper Long Branch above dog park
7	Glencarlyn Park	Below conf. of Upper Long Branch
8	Glencarlyn Park	Below conf. w/ small trib. at 7 <sup>th</sup> Street
9	Barcroft Park	Below conf. w/ Doctor's Branch
10	Troy Park	Lower Long Branch Tributary
11	Mt. Vernon Ave. bridge	Lower Four Mile Run

- 3) The permittee may rely on community volunteers to conduct bacteriological monitoring.
  - 4) The permittee shall analyze the data for relationships with precipitation events including recent (occurred within 24-hours of sampling) and long term (total monthly precipitation).
  - 5) The permittee shall review the monitoring results to determine long term trends.
  - 6) The permittee shall look for relationships between average *E. coli* concentration and sanitary capital and operational maintenance projects.
- b) **Additional Watersheds** The permittee shall develop bacteriological monitoring efforts for three additional watersheds in which bacteriological impairments exist within its jurisdictional limits. The permittee shall:
- 1) No later than 12-months after the effective date of this permit, select the three watersheds and the monitoring locations;
  - 2) No later than 12-months after the effective date of this permit, develop the monitoring procedures using the Four Mile Run effort as a template; and,
  - 3) No later than 18-months after the effective date of this permit, the permittee shall implement the monitoring procedures in Part I.C.1.b)2).

#### **SPECIFIC REPORTING REQUIREMENTS:**

- The initial report shall include a list of the selected watersheds and monitoring locations and a copy of the monitoring procedures to be utilized in monitoring the selected watersheds.
- The annual report shall include a summary of the monitoring results.

2. **Biological Stream Monitoring** The permittee shall continue its biological stream monitoring program to evaluate the health of existing streams and the long term effectiveness of its stormwater management program. With the application for permit reissuance, the permittee shall provide a detailed analysis of any long-term trends in local stream health identified during this permit. This program shall continue to be implemented as follows:
- The permittee shall use a biological stream monitoring protocol based on EPA's Rapid Bioassessment Protocol 2 and shall include habitat assessment, temperature and pH measurements, and an assessment of the benthic macroinvertebrate community. The developed protocol shall be available on the permittee's website.
  - Monitoring shall be conducted a minimum of twice per year with sampling events occurring between January 1<sup>st</sup> and June 30<sup>th</sup> and July 1<sup>st</sup> and December 31<sup>st</sup> at each monitoring location.
  - Monitoring shall continue at the following locations listed in Table B.

**Table B: Biological Stream Monitoring Locations, Arlington County**

Stream	Land Use	Location
Windy Run	Residential	End of Kenmore Street
Donaldson Run	Residential	30 <sup>th</sup> Road
Gulf Branch	Residential	Military Road
Little Pimmit Run	Residential	38 <sup>th</sup> and Dumbarton
Four-Mile Run-Banneker	Residential Transitioning to Heavily Urban	Banneker Park
Four-Mile Run-Bluemont	Residential Transitioning to Heavily Urban	Bluemont Park
Four-Mile Run-Glencarlyn	Residential Transitioning to Heavily Urban	Glencarlyn Park
Four-Mile Run-Barcroft	Residential Transitioning to Heavily Urban	Barcroft Park
Lubber Run	Residential Transitioning to Heavily Urban	Lubber Run Park
Margaret Creek	Reference Site	Clifton, VA

- The permittee may rely on community volunteers to conduct biological stream monitoring provided each volunteer has attended two training events. Documentation of volunteer training shall be kept on file for review.
- The permittee shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies.

#### **SPECIFIC REPORTING REQUIREMENTS:**

- The annual report shall include a summary of the monitoring results and analyses and an interpretation of that data with respect to long-term patterns/trends.

3. **Floatables Monitoring** The permittee shall continue to conduct surveys of floatables. The intent of the surveys is to document the effectiveness of the litter control programs for the MS4 and may be accomplished through a volunteer program. Surveys shall be performed in accordance with the following procedures:
- Select representative sampling sites in ditches, streams, or channels that discharge to or receive drainage from the MS4. Visually count all floatable material (excluding natural vegetation), trash, and refuse (e.g.: plastic trash bags, bottles, car batteries, shopping carts, etc.) located in the sampling site, visible on the channel bottom, along banks (up to high water mark), or suspended in vegetation located in the sample site. Sites shall be at least 100 feet in length, and sampled during or before any litter pickup.

- b) The permittee shall maintain the following records and include a summary of results and trends in each annual report: location of the sample site, total site "counts", and months since the last trash and floatables pick-up from the sampled section.
- c) The permittee shall provide a detailed analysis with the application for permit reissuance on any long-term trends identified during this permit cycle including any significant differences found between BMP treatments.

**SPECIFIC REPORTING REQUIREMENTS:**

- The annual report shall include a summary of the monitoring results and analyses.

**4. Structural and Source Controls Compliance Monitoring and Tracking**

- a) The permittee shall maintain an updated electronic database of all known County owned and privately owned stormwater management (SWM) facilities.

The database shall include the following:

- 1) The SWM facility type, address, and latitude and longitude;
- 2) The acres treated by the SWM facility including total acres, as well as pervious and impervious acres;
- 3) The date brought on line (MMYYYY). If the date is unknown, the permittee shall use June 30, 2005 as the date brought on line for all previously existing SWM facilities;
- 4) The sixth order hydrologic unit code (HUC) in which the SWM facility is located;
- 5) The name of any impaired water segments within each HUC listed on the most recent 305(b)/303(d) Water Quality Assessment Integrated Report to which the SWM facility discharges;
- 6) Whether the SWM facility is county owned or privately owned;
- 7) Whether the SWM facility discharges into the MS4;
- 8) Whether a maintenance agreement exists if the SWM is privately owned; and,
- 9) The date of last inspection.

An electronic database or spreadsheet of all known SWM facilities brought on line during each reporting year shall be submitted with the appropriate annual report. Upon such time as the Department provides the permittee access to a statewide web-based reporting database, the permittee shall utilize such database to complete the reporting requirements of this permit.

No later than 36-months of the effective date of this permit, the database shall be updated to include the required information for SWM facilities known to exist prior to issuance of this permit. The updated information shall be submitted in electronic format with the fourth annual report.



- b) The permittee shall send notice to privately owned SWM facility owners reminding them of their inspection and maintenance requirements under their recorded inspection schedule and maintenance agreements. The permittee shall inspect at least once during this permit cycle all SWM facilities where the owner has failed at least twice to submit an annual inspection report. The permittee shall inspect at least once during this permit cycle a random subset of 10 percent of those SWM facilities whose owner's have submitted an annual inspection report.
- c) Beginning with the effective date of this permit, maintenance agreements may be used but are not required for stormwater control measures that are designed to treat stormwater runoff solely from the individual residential lot on which they are located provided that the permittee has developed and implemented a strategy to address maintenance of such stormwater management controls. Should the permittee choose a strategy other than a maintenance agreement, such a strategy shall be in writing no later than 12 months after the effective date of this permit and may include periodic inspections, homeowner outreach and education, or other methods targeted at promoting the long term maintenance of such facilities.
- d) For SWM facilities owned by the permittee, the following conditions apply:
- 1) The permittee shall provide for adequate long-term operation and maintenance of its stormwater management facilities in accordance with written inspection and maintenance procedures included in the MS4 Program Plan.
  - 2) The permittee shall inspect these stormwater management facilities annually. The permittee may choose to implement an alternative schedule to inspect these stormwater management facilities based on facility type and expected maintenance needs provided that the alternative schedule is included in the MS4 Program Plan.
  - 3) The permittee shall conduct maintenance on its stormwater management facilities as necessary.
- e) Facilities that provide peak flow control as required under Chapter 60 of the Arlington County Code are excluded from the requirements of this section. Inspection and maintenance requirements for these facilities shall be governed by Chapter 60.

**SPECIFIC REPORTING REQUIREMENTS:**

- Each annual report shall include a copy of the updated database in electronic format.
- Each annual report shall include a summary of the program to ensure maintenance of private stormwater management facilities.
- Each annual report shall include a summary of the program to ensure maintenance of stormwater management facilities owned by the permittee.
- The third annual report submitted under this permit shall include an updated list of stormwater management facilities existing prior to issuance of this permit.

#### D. TMDL ACTION PLAN AND IMPLEMENTATION

##### 1. Chesapeake Bay Special Condition

The Commonwealth in its Phase I and Phase II Chesapeake Bay TMDL Watershed Implementation Plans (WIP) committed to a phased approach for MS4s affording MS4s permittees up to three full five-year permit cycles to implement necessary reductions. This permit is consistent with the Chesapeake Bay TMDL and the Virginia Phase I and II WIPs to meet the Level 2 (L2) scoping run for existing developed lands as it represents an implementation of 5.0% of L2 as specified in the 2010 Phase I WIP. Conditions of future permits will be consistent with the TMDL or WIP conditions in place at the time of permit issuance.

a) *Definitions* The following definitions apply to this permit for the purpose of the Special Condition for Discharges in the Chesapeake Bay Watershed:

- 1) "Existing Sources" means pervious and impervious urban land uses served by the MS4 as of June 30, 2009.
- 2) "New Sources" means pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009.
- 3) "Transitional Sources" means regulated land disturbing activities which are temporary in nature and discharge through the MS4.
- 4) "Pollutants of concern" or "POC" means total nitrogen, total phosphorus and total suspended solids.

b) *Chesapeake Bay Watershed TMDL Planning*

- 1) No later than 24-months after the effective date of this permit, the permittee shall develop and submit to the Department for its review and acceptance an approvable phased Chesapeake Bay TMDL Action Plan that includes:
  - (a) A review of the current MS4 program including existing legal authorities and the permittee's ability ensure compliance with this special condition;
  - (b) The identification of any new or modified legal authorities, such as ordinances, permits, orders, contracts and inter-jurisdictional agreements, implemented to meet the requirements of this special condition;
  - (c) The means and methods utilized to address discharges into the MS4 from new sources.
  - (d) An estimate of the annual POC loads discharged from the existing sources as of June 30, 2009 based on the 2009 progress run. The permittee shall utilize Table 1 and multiply the total existing acres served by the MS4 on June 30, 2009 and the 2009 Edge of Stream (EOS) Loading Rate.

**Table 1: Calculation Sheet for Estimating Existing Source Loads for the Potomac River Basin**

(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)

<u>Subsource</u>	<u>Pollutant</u>	<u>Total Existing Acres Served by MS4 (6/30/09)</u>	<u>2009 EOS Loading Rate (lbs/ac)</u>	<u>Estimated Total POC Load Based on 2009 Progress Run</u>
Regulated Urban Impervious	Nitrogen		16.86	
Regulated Urban Pervious			10.07	
Regulated Urban Impervious	Phosphorus		1.62	
Regulated Urban Pervious			0.41	
Regulated Urban Impervious	Total Suspended Solids		1,171.32	
Regulated Urban Pervious			175.8	

- (e) A determination of the total pollutant load reductions necessary to reduce the annual POC loads from existing sources utilizing Table 2 by multiplying the total existing acres served by the MS4 by the first permit cycle required reduction in loading rate.

**Table 2: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the Potomac River Basin**

(Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)

<u>Subsource</u>	<u>Pollutant</u>	<u>Total Existing Acres Served by MS4 (6/30/09)</u>	<u>First Permit Cycle Requiring Reduction in Loading Rate (lbs/ac)</u>	<u>Total Reduction Required During First Permit Cycle (lbs)</u>
Regulated Urban Impervious	Nitrogen		0.08	
Regulated Urban Pervious			0.03	
Regulated Urban Impervious	Phosphorus		0.01	
Regulated Urban Pervious			0.001	
Regulated Urban Impervious	Total Suspended Solids		11.71	
Regulated Urban Pervious			0.77	

- (f) The means and methods, such as the management practices and retrofit programs that will be utilized to meet the required reductions identified in Part I.D.1.b)1)(e) and a schedule to achieve those reductions. The schedule should include annual benchmarks to demonstrate the ongoing progress in meeting the reductions. The means and methods

implemented prior to July 1, 2009 shall not be credited towards meeting the required reductions identified in Part I.D.b.1)(e).

- (g) The means and methods to offset the increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014 that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post development stormwater management facilities. The permittee shall utilize Table 3 to develop the equivalent pollutant load for nitrogen and total suspended solids. The permittee shall offset 5.0% of the calculated increased load from these new sources during the permit cycle.
- (h) The means and methods to offset the increase loads from projects as grandfathered in accordance with 4 VAC 50-60-48, that disturb one acre or greater that being constructed after July 1, 2014, where the project utilized an average land cover condition greater than 16% impervious cover in the design of post development stormwater management facilities. The permittee shall utilize Table 3 to develop the equivalent pollutant load for nitrogen and total suspended solids.

<b>Table 3: Ratio of Phosphorus Loading Rate to Nitrogen and Total Suspended Solids Loading Rates for Chesapeake Bay Basins</b> (Based on Chesapeake Bay Program Watershed Model Phase 5.3.2)			
<u>Ratio of Phosphorus to Other POCs (Based on All Land Uses 2009 Progress Run)</u>	<u>Phosphorus Loading Rate (lbs/ac)</u>	<u>Nitrogen Loading Rate (lbs/ac)</u>	<u>Total Suspended Solids Loading Rate (lbs/ac)</u>
Potomac River Basin	1.0	6.9	469.2

- (i) A list of future projects and associated acreage that qualify as grandfathered in accordance with 4 VAC 50-60-48.
  - (j) An estimate of the expected cost to implement the necessary reductions of this special condition during the permit cycle;
  - (k) An opportunity for receipt and consideration of public comment on the draft Chesapeake Bay TMDL Action Plan; and,
  - (l) A list of all comments received as a result of public comment and any modifications made to the draft Chesapeake Bay TMDL Action Plan as a result of the public comments.
- 2) As part of development of the Chesapeake Bay TMDL Action Plan, the permittee shall consider use of the following:
- (a) Implementation of BMPs on unregulated lands provided any necessary baseline reduction is not included toward meeting the required reduction in this permit;
  - (b) Utilization of stream restoration projects provided the credit applied to the required POC load reduction is prorated based on the ratio of regulated urban acres to total drainage acres upstream of the restored area;
  - (c) Establishment of a memorandum of understanding (MOU) with other MS4 permittees that discharge to the same or adjacent eight digit hydrologic unit within the same basin to

implement BMPs collectively. The MOU shall include a mechanism for dividing the POC reductions created by BMP implementation between the cooperative MS4s;

- (d) Utilization of any pollutant trading or offset program in accordance with § 10.1-603.15:1 et seq. of the Code of Virginia, governing trading and offsetting;
  - (e) A more stringent average land cover condition based on less than 16% impervious cover for new sources initiating construction between July 1, 2009, and June 30, 2014, and all grandfathered projects where allowed by law; and
  - (f) Any BMPs installed after June 30, 2009, as part of a retrofit program may be applied towards meeting the required load reductions provided any necessary baseline reductions are not included.
- 3) The permittee shall address any modification to the TMDL or watershed implementation plan that occurs during the term of this permit as part of its permit reapplication as required in Part II.M of this permit.
  - 4) The Chesapeake Bay TMDL Action Plan shall become effective and enforceable upon written approval from the Department.
- c) Chesapeake Bay TMDL Action Plan Implementation
- 1) The permittee shall implement the TMDL action plan required in Part I.D.1.b)1) of this permit according to the schedule therein. Compliance with this requirement represents adequate progress for this permit term towards achieving TMDL wasteload allocations consistent with the assumptions and requirements of the TMDL and shall be included in annual reports subsequent to the submission of the Chesapeake Bay TMDL Action Plan.
  - 2) For the purposes of this permit, the implementation of the following represents implementation to the maximum extent practicable and demonstrates adequate progress:
    - (a) Implementation of turf and landscape nutrient management plans in accordance Part I.B.2.e);
    - (b) Implementation of Part I.B.2.a) in accordance with this permit shall address discharges from transitional sources;
    - (c) Implementation of the means and methods to address discharges from new sources in accordance with Part I.B.2.b) and in order to offset 5.0% of the total increase in POC loads between July 1, 2009 and June 30, 2014. Increases in the POC load from grandfathered projects initiating construction after July 1, 2014 must be offset prior to completion of the project; and,
    - (d) Implementation of means and methods sufficient to meet 5.0% required reductions of POC loads from existing sources defined in this permit in accordance with the Chesapeake Bay TMDL Watershed Implementation Plan.

d) Annual Reporting Requirements

- 1) In accordance with Part I D.1.b)1), the permittee shall submit the Chesapeake Bay TMDL Action Plan.
- 2) Each subsequent annual report shall include a list of control measures implemented during the reporting period and the cumulative progress toward meeting the compliance targets for total nitrogen, phosphorus, and total suspended solids.
- 3) Each subsequent annual report shall include a list of control measures, in an electronic format provided by the department, that were implemented during the reporting cycle and the estimated reduction achieved by the control. For stormwater management controls, the report shall include the information required in Part I.C.4.a) and shall include whether an existing stormwater management control was retrofitted, and if so, the existing stormwater management control type retrofit used.
- 4) Each annual report shall include a list of control measures that are expected to be implemented during the next reporting period and the expected progress toward meeting the compliance targets for total nitrogen, phosphorus, and total suspended solids.
- 5) The permittee shall include the following as part of its reapplication package due in accordance with Part II.M:
  - (a) Documentation that sufficient control measures have been implemented (or documentation detailing that implementation will be complete by the expiration date of this permit) to meet the compliance target identified in this Special Condition. If temporary credits or offsets have been purchased in order to meet the compliance target, the list of temporary reductions utilized to meet the 5.0% reduction in this permit and a schedule of implementation to ensure a permanent 5.0% reduction must be provided; and,
  - (b) A draft second phase Chesapeake Bay TMDL Action Plan designed to reduce the existing pollutant of concern loads by an additional seven times the required reductions in loading rates using Table 2 of Part I.D.1.b) of this permit unless alternative calculations have been provided by the Commonwealth.
    - i. An additional 35% reduction in new sources developed between 2009 and 2014 and for which the land use cover condition was greater than 16%; and
    - ii. Accounting for any modifications to the applicable loading rate provided to the permittee as a result of TMDL modification.

2. **TMDL Action Plans Other than the Chesapeake Bay TMDL**

a) **TMDL Action Plan Development**

The permittee shall maintain an updated MS4 Program Plan that includes TMDL Action Plans for pollutants in which wasteloads have been allocated to the MS4 in approved TMDLs. Approved TMDLs as of the effective date of this permit are included in Attachment A of this permit. TMDL Action Plans may be implemented in multiple phases over more than one permit cycle using the adaptive iterative approach provided adequate progress is made to reduce pollutant discharges in a manner that is consistent with the assumptions and requirements of the applicable TMDL. Progress shall be demonstrated by representative and adequate monitoring or other methods

(e.g. modeling) as described in Part I.D.2.b) 5) below. These TMDL Actions Plans shall identify the best management practices and other interim milestone activities to be implemented during the remaining term of this permit. The plan shall include an estimated end date for achieving the applicable wasteload allocations and, for planning purposes, a projection of BMPs and other implementation steps expected to address the WLA, outside of the permit term, as applicable.

- 1) No later than 24 months after the effective date of this permit, the permittee shall submit to the Department TMDL Action Plans to address any new or modified requirements established under this Special Condition for pollutants identified in TMDL wasteload allocations approved prior to the effective date of this permit.
- 2) The TMDL Action Plans shall become effective and enforceable upon written notification from the Department.
- 3) The TMDL Actions Plans shall be incorporated by reference into this permit.

b) **TMDL Action Plan Content** The permittee shall:

- 1) Develop and maintain a list of its legal authorities such as ordinances, permits, order, specific contract language, and inter-jurisdictional agreements applicable to reducing the pollutant identified in a WLA;
- 2) Identify and maintain an updated list of all additional management practices, control techniques and system design and engineering methods, beyond those identified in Part I.B of this permit, that have been implemented as part of the MS4 Program Plan that are applicable to reducing the pollutant identified in the WLA;
- 3) Enhance the public education and outreach and employee training programs to also promote methods to eliminate and reduce discharges of the pollutants identified in the WLA;
- 4) Assess all significant sources of pollutant(s) from facilities of concern owned or operated by the MS4 operator that are not covered under a separate VPDES industrial stormwater permit and identify all municipal facilities that may be a significant source of the identified pollutant. For the purposes of this assessment, a significant source of pollutant(s) from a facility of concern means a discharge where the expected pollutant loading is greater than the average pollutant loading for the land use identified in the TMDL. (For example, a significant source of pollutant from a facility of concern for a bacterial TMDL would be expected to be greater at a dog park than at other recreational facilities where dogs are prohibited);
- 5) Develop and implemented a method to assess TMDL Action Plans for their effectiveness in reducing the pollutants identified in the WLAs. The evaluation shall use any newly available information, representative and adequate water quality monitoring results, or modeling tools to estimate pollutant reductions for the pollutant(s) of concern from implementation of the MS4 Program Plan. Monitoring may include BMP, outfall, or in-stream monitoring, as appropriate, to estimate pollutant reductions. The permittee may conduct monitoring, utilize existing data, establish partnerships, or collaborate with other MS4 permittees or other third parties, as appropriate. This evaluation shall include assessment of the facilities identified in Part I.D.2.b.4). The methodology used for assessment shall be described in the TMDL Action Plan.

- c) This permit shall be modified or alternatively revoked and reissued if any approved wasteload allocation procedure, pursuant to Section 303(d) of the Clean Water Act, imposes wasteload allocations, limits or conditions on the treatment works that are not consistent with the permit requirements
- 3. Analytical methods for any monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the Environmental Protection Agency (EPA). Where an approved 40 CFR Part 136 method does not exist, the permittee shall use a method consistent with the TMDL.
- 4. The permittee is encouraged to participate as a stakeholder in the development of any TMDL implementation plans applicable to their discharge. The permittee may incorporate applicable best management practices identified in the TMDL implementation plan in the MS4 Program Plan or may choose to implement BMPs of equivalent design and efficiency provided that the rationale for any substituted BMP consistent with the assumptions and requirements of the TMDL WLA.
- 5. Annual Reporting Requirements**
  - a) The permittee shall report on the implementation of the TMDL Action Plans and associated evaluation including the results of any monitoring conducted as part of the evaluation.
  - 6. The permittee shall identify the best management practices and other steps that will be implemented during the next permit term as part of the permittee's reapplication for coverage as required under Section II.M. The permittee shall also evaluate and modify the estimated end date for achieving the applicable wasteload based on information acquired during the permit cycle.

## **E. Annual Reporting**

The permittee shall submit the annual report to the Department of Conservation and Recreation, no later than October 1<sup>st</sup> of each year. The report shall cover the previous fiscal year from July 1<sup>st</sup> to June 30<sup>th</sup> and include the following separate sections:

- 1. Background Information
  - a) The permittee and permit number of the program submitting the annual report;
  - b) Any modifications to the MS4 Program Plan as a result of the annual report;
  - c) The reporting dates for which the annual report is being submitted; and,
  - d) Certification as per Part II.K.
- 2. A summary of the implementation of each of the components established under Part I.B. and an evaluation of the effectiveness of each component. The permittee should attempt to limit any component's narrative summary to no longer than two-pages plus any necessary tables and figures.
- 3. A summary report of the monitoring programs listed under Part I.C.
- 4. A summary of the implementation of each component listed under Part I.D.



5. The Specific Reporting Requirements identified in this permit.

## **F. DEFINITIONS**

Definitions contained in the Virginia Stormwater Management Act, Part I (4VAC50-60-10) and Federal NPDES rules, 40 CFR Part 122, apply where a definition is not specified below. Unless otherwise specified in this permit, additional definitions or words or phrases used in this permit are as follows:

1. "Best management practice" or "BMP" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.
2. "Board" means the Virginia Soil and Water Conservation Board
3. "Date brought on line" means the date when the permittee determines that a new stormwater management facility is properly functioning to meet its designed pollutant load reduction.
4. "DCR" or "Department" means the Department of Conservation and Recreation.
5. "DEQ" means the Department of Environmental Quality
6. "High priority municipal facility" means any facility owned and operated by the permittee or regulated under this permit that performs fleet maintenance; recycling activities, outdoor equipment and machinery storage; or the unloading, loading or storage of erodible, floatable or soluble materials or chemicals without protection from exposure to precipitation.
7. "Industrial land use" means land utilized in connection with manufacturing, processing, or raw materials storage at facilities identified under 40 CFR Part 122.26(b)(14).
8. "Maintenance" means maintenance on the MS4 and associated structural stormwater controls including, but not limited to, activities such as inspections of basins and ponds; repair and replacement of failed controls, mowing grass filter strips; regular removal of litter and debris from dry ponds, forebays and water quality inlets; periodic stabilization and revegetation of eroded areas; periodic removal and replacement of filter media from infiltration trenches and filtration ponds; periodic removal of trash and sediment; deep tilling of infiltration basins to maintain capacity; vacuuming or jet hosing of porous pavement or concrete grid pavements; and, removal of litter and debris from wet weather conveyances.
9. "Permittee" means Arlington County.
10. "Physically interconnected" means that one MS4 is connected to a second MS4 in such a manner that it allows for direct discharges to the second system.
11. "Retrofit" means the modification of existing stormwater management facilities, as defined herein, including flood control structures, through construction and/or enhancement in order to address water quality improvements. Retrofit also means the installation or implementation of source reductions to provide water quality improvements on previously developed land where no stormwater source reductions previously existed.

## **PART II - CONDITIONS APPLICABLE TO ALL VSMP PERMITS**

### **A. MONITORING**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Monitoring shall be conducted according to procedures approved under 40 CFR Part 136 or alternative methods approved by the U.S. Environmental Protection Agency, unless other procedures have been specified in this permit.
3. The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals that will ensure accuracy of measurements.

### **B. RECORDS**

1. Monitoring records/reports shall include:
  - a) The date, exact place, and time of sampling or measurements;
  - b) The individual(s) who performed the sampling or measurements;
  - c) The date(s) and time(s) analyses were performed;
  - d) The individual(s) who performed the analyses;
  - e) The analytical techniques or methods used; and
  - f) The results of such analyses.
2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation; copies of all reports required by this permit; and records of all data used to complete the registration statement for this permit, for a period of at least 3 years from the date of the sample, measurement, report or request for coverage. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Board.

### **C. REPORTING MONITORING RESULTS**

1. The permittee shall submit the results of the monitoring required by this permit with the annual report unless another reporting schedule is specified elsewhere in this permit.
2. Monitoring results shall be reported on a Discharge Monitoring Report (DMR); on forms provided, approved or specified by the Department; or in any format provided that the date, location, parameter, method, and result of the monitoring activity are included.
3. If the permittee monitors any pollutant specifically addressed by this permit more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or using other test procedures approved by the U.S. Environmental Protection Agency or using procedures specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Department.

4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

#### **D. DUTY TO PROVIDE INFORMATION**

The permittee shall furnish to the Department, within a reasonable time, any information that the Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Board may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from its discharge on the quality of surface waters, or such other information as may be necessary to accomplish the purposes of the Clean Water Act and Virginia Stormwater Management Act. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

#### **E. COMPLIANCE SCHEDULE REPORTS**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

#### **F. UNAUTHORIZED STORMWATER DISCHARGES**

Pursuant to § 10.1-603.2:2 (A) of the Code of Virginia, except in compliance with a permit issued by the board, it shall be unlawful to cause a stormwater discharge from a MS4.

#### **G. REPORTS OF UNAUTHORIZED DISCHARGES**

Any operator of a regulated MS4 who discharges or causes or allows a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance or a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110 (2002), 40 CFR Part 117 (2002) or 40 CFR Part 302 (2002) that occurs during a 24-hour period into or upon surface waters; or who discharges or causes or allows a discharge that may reasonably be expected to enter surface waters, shall notify the Department of Environmental Quality of the discharge immediately upon discovery of the discharge, but in no case later than within 24 hours after said discovery. A written report of the unauthorized discharge shall be submitted to the Department of Environmental Quality and the Department of Conservation and Recreation, within five days of discovery of the discharge. The written report shall contain:

1. A description of the nature and location of the discharge;
2. The cause of the discharge;
3. The date on which the discharge occurred;
4. The length of time that the discharge continued;
5. The volume of the discharge;
6. If the discharge is continuing, how long it is expected to continue;
7. If the discharge is continuing, what the expected total volume of the discharge will be; and

8. Any steps planned or taken to reduce, eliminate and prevent a recurrence of the present discharge or any future discharges not authorized by this permit.

Discharges reportable to the Department of Environmental Quality and the Department of Conservation and Recreation under the immediate reporting requirements of other regulations are exempted from this requirement.

#### **H. REPORTS OF UNUSUAL OR EXTRAORDINARY DISCHARGES**

If any unusual or extraordinary discharge including a "bypass" or "upset", as defined herein, should occur from a facility and the discharge enters or could be expected to enter surface waters, the permittee shall promptly notify, in no case later than within 24 hours, the Department of Environmental Quality and the Department of Conservation and Recreation by telephone after the discovery of the discharge. This notification shall provide all available details of the incident, including any adverse effects on aquatic life and the known number of fish killed. The permittee shall reduce the report to writing and shall submit it to the Department of Environmental Quality and the Department of Conservation and Recreation within five days of discovery of the discharge in accordance with Part II.I.2. Unusual and extraordinary discharges include but are not limited to any discharge resulting from:

1. Unusual spillage of materials resulting directly or indirectly from processing operations;
2. Breakdown of processing or accessory equipment;
3. Failure or taking out of service some or all of the facilities; and
4. Flooding or other acts of nature.

#### **I. REPORTS OF NONCOMPLIANCE**

The permittee shall report any noncompliance, which may adversely affect surface waters or may endanger public health.

1. An oral report shall be provided within 24 hours to the Department of Environmental Quality and the Department of Conservation and Recreation from the time the permittee becomes aware of the circumstances. The following shall be included as information, which shall be reported within 24 hours under this paragraph:
  - a) Any unanticipated bypass; and
  - b) Any upset which causes a discharge to surface waters.
2. A written report shall be submitted within five days and shall contain:
  - a) A description of the noncompliance and its cause;
  - b) The period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
  - c) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The Board or its designee may waive the written report on a case-by-case basis for reports of noncompliance under Part II.I if the oral report has been received within 24 hours and no adverse

impact on surface waters has been reported.

3. The permittee shall report all instances of noncompliance not reported under Parts II.I.1 or 2, in writing, at the time the next monitoring reports are submitted. The reports shall contain the information listed in Part II.I.2.

**NOTE: The immediate (within 24 hours) reports required in Parts II G, H and I may be made to the Department of Environmental Quality's Regional Office Pollution Response Program as found at <http://deq.virginia.gov/Programs/PollutionResponsePreparedness.aspx>. Reports may be made by telephone or by fax. For reports outside normal working hours, leave a message and this shall fulfill the immediate reporting requirement. For emergencies, the Virginia Department of Emergency Services maintains a 24 hour telephone service at 1-800-468-8892.**

4. Whenever the permittee becomes aware of a failure to submit any relevant facts, or submitted incorrect information in any report to the Department of Environmental Quality or Department of Conservation and Recreation, it shall promptly submit such facts or correct information.

#### **J. NOTICE OF PLANNED CHANGES**

1. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
  - a) The permittee plans an alteration or addition to any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:
    - 1) After promulgation of standards of performance under §306 of the Clean Water Act that are applicable to such source; or
    - 2) After proposal of standards of performance in accordance with § 306 of the Clean Water Act that are applicable to such source, but only if the standards are promulgated in accordance with Section 306 within 120 days of their proposal.
  - b) The permittee plans alteration or addition that would significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this permit; or
2. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity, which may result in noncompliance with permit requirements.

#### **K. SIGNATORY REQUIREMENTS**

1. Registration Statement. All registration statements shall be signed as follows:
  - a) For a corporation: by a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term compliance with environmental laws and regulations; the manager can ensure that the necessary systems are

established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- b) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
  - c) For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a public agency includes:
    - 1) The chief executive officer of the agency, or
    - 2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
2. Reports, etc. All reports required by permits, and other information requested by the Board shall be signed by a person described in Part II.K.1, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- a) The authorization is made in writing by a person described in Part II.K.1;
  - b) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the operator. (A duly authorized representative may thus be either a named individual or any individual occupying a named position that); and
  - c) The written authorization is submitted to the Department.
3. Changes to authorization. If an authorization under Part II.K.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part II.K.2 shall be submitted to the Department prior to or together with any reports, or information to be signed by an authorized representative.
4. Certification. Any person signing a document under Parts II.K.1 or 2 shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

#### **L. DUTY TO COMPLY**

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Virginia Stormwater Management Act and the Clean Water Act, except that noncompliance with certain provisions of this permit may constitute a violation of the Virginia Stormwater Management Act but not the Clean Water Act. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under §307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

#### **M. DUTY TO REAPPLY**

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall submit a completed EPA Form 1, an updated MS4 Program Plan including benchmarks and milestones for the next permit cycle and the second phase of the Chesapeake Bay TMDL action plan, at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Board. The Board shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

#### **N. EFFECT OF A PERMIT**

This permit does not convey any property rights in either real or personal property or any exclusive privileges, nor does it authorize any injury to private property or invasion of personal rights, or any infringement of federal, state or local law or regulations.

#### **O. STATE LAW**

Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other state law or regulation or under authority preserved by §510 of the Clean Water Act. Except as provided in permit conditions on "bypassing" (Part II.U), and "upset" (Part II.V) nothing in this permit shall be construed to relieve the permittee from civil and criminal penalties for noncompliance.

#### **P. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under §§ 62.1-44.34:14 through 62.1-44.34:23 of the State Water Control Law or §311 of the Clean Water Act.

#### **Q. PROPER OPERATION AND MAINTENANCE**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes effective plant performance, adequate funding, adequate staffing, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

## **R. DISPOSAL OF SOLIDS OR SLUDGES**

Solids, sludges or other pollutants removed in the course of treatment or management of pollutants shall be disposed of in a manner so as to prevent any pollutant from such materials from entering surface waters.

## **S. DUTY TO MITIGATE**

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

## **T. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

## **U. BYPASS**

1. "Bypass," as defined in 4VAC50-60-10, means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.U.2 and U.3.

### **2. Notice**

- a) Anticipated Bypass. If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least 10 days before the date of the bypass.
- b) Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in Part II.I.

### **3. Prohibition of bypass.**

- a) Bypass is prohibited, and the Board or its designee may take enforcement action against a permittee for bypass, unless:
  - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
  - 3) The permittee submitted notices as required under Part II.U.2.
- b) The Board or its designee may approve an anticipated bypass, after considering its adverse effects, if the Board or its designee determines that it will meet the three conditions listed above in Part II.U.3 a.



## **V. UPSET**

1. An upset, as defined in 4VAC50-60-10, constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part II V 2 are met. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
2. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
3. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

An upset occurred and that the permittee can identify the cause(s) of the upset;

- a) The permitted facility was at the time being properly operated;
  - b) The permittee submitted notice of the upset as required in Part II.I; and
  - c) The permittee complied with any remedial measures required under Part II.S.
4. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

## **W. INSPECTION AND ENTRY**

The permittee shall allow the Department as the Board's designee, or an authorized representative (including an authorized contractor acting as a representative of the administrator), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act and the Virginia Stormwater Management Act, any substances or parameters at any location.

For purposes of this subsection, the time for inspection shall be deemed reasonable during regular business hours, and whenever the facility is discharging. Nothing contained herein shall make an inspection unreasonable during an emergency.

## **X. PERMIT ACTIONS**

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

## **Y. TRANSFER OF PERMITS**

1. Permits are not transferable to any person except after notice to the Department. Except as provided in Part II.Y.2, a permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued, or a minor modification made, to identify the new permittee and incorporate such other requirements as may be necessary under the Virginia Stormwater Management Act and the Clean Water Act.
2. As an alternative to transfers under Part II.Y.1., this permit may be automatically transferred to a new permittee if:
  - a) The current permittee notifies the Department at least two days in advance of the proposed transfer of the title to the facility or property;
  - b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
  - c) The Board does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part II.Y.2.b.

## **Z. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

**Attachment A: Total Maximum Daily Load Reports with Wasteload Allocations to VA0088579 - Arlington County**

TMDL Project	TMDL Pollutant(s)	Final Report	EPA Approval Date	SWCB Approval Date	Wasteload Allocation	Consolidated Wasteload
TMDL Report: Bacteria TMDLs for the Hunting Creek, Cameron Run and Holmes Run Watersheds						
Hunting Creek	E. Coli	<a href="http://www.deq.virginia.gov/tmdl/apptmdls/potrvt/huntingec.pdf">http://www.deq.virginia.gov/tmdl/apptmdls/potrvt/huntingec.pdf</a>	11/10/2010	8/4/2011	3.68E11 cfu/yr	Yes
TMDL Report: Bacteria TMDL for the Tidal Four Mile Run Watershed						
Tidal Four Mile Run	E. Coli	<a href="http://www.deq.virginia.gov/tmdl/apptmdls/potrvt/tidalfourmile.pdf">http://www.deq.virginia.gov/tmdl/apptmdls/potrvt/tidalfourmile.pdf</a>	6/14/2010	9/30/2010	2.23E13 cfu/yr	Yes
TMDL Report: Fecal Coliform TMDL (Total Maximum Daily Load) Development for Four Mile Run, Virginia						
Four Mile Run	Fecal Coliform	<a href="http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/potrvt/fourmlrn1.pdf">http://www.deq.virginia.gov/portals/0/DEQ/Water/TMDL/apptmdls/potrvt/fourmlrn1.pdf</a>	5/31/2002	6/17/2004	2.04E13 cfu/yr	Yes
TMDL Report: Chesapeake Bay Total Maximum Daily Load for Nitrogen, Phosphorus and Sediment						
POTTF_DC	Nitrogen	<a href="http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html">http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html</a>	12/29/2010	-	69,035.49 lbs/yr	*
	Phosphorus				7,050.92 lbs/yr	*
	Sediment				2,801,683.02 lbs/yr	*
POTTF_VA	Nitrogen	<a href="http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html">http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/tmdlexec.html</a>	12/29/2010	-	56,247.82 lbs/yr	*
	Phosphorus				9,110.41 lbs/yr	*
	Sediment				2,427,655.13 lbs/yr	*
TMDL Report: Potomac River Total Maximum Daily Loads of Polychlorinated Biphenyls (PCBs) for Tidal Portions of the Potomac and Anacostia Rivers in the District of Columbia, Maryland, and Virginia						
Potomac River	PCB	<a href="http://www.epa.gov/waters/tmdl/docs/TidalPotomac_PCB_TMDL_10-31-07.pdf">http://www.epa.gov/waters/tmdl/docs/TidalPotomac_PCB_TMDL_10-31-07.pdf</a>	10/31/2007	4/11/2008	See TMDL Report	Yes

\* The Chesapeake Bay TMDL established wasteload allocations specific to VA0088579 but based the wasteload allocations on all MS4s located in the jurisdiction. As such, the TMDL essentially consolidated the wasteloads of all regulated MS4 stormwater in the jurisdiction but allocated the entire wasteload to the Arlington County MS4.